

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, FEBRUARY 18, 2003
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

Table of Contents

CHRONOLOGY OF THE MEETING	3
ATTENDANCE DURING THE MEETING	3
ITEM-1: ROLL CALL	4
ITEM-10: INVOCATION	4
ITEM-20: PLEDGE OF ALLEGIANCE	4
ITEM-30: Attorney of the Year 2002 Award	4
NON-AGENDA COMMENT	6
COUNCIL COMMENT	8
CITY ATTORNEY COMMENT	8
CITY MANAGER COMMENT	8
* ITEM-50: Amendment to Pacific Highlands Ranch (Subarea III) Community Park Site Purchase Agreement	8
* ITEM-51: Joint Use Cooperative Agreement Between the City of San Diego and the San Diego Unified School District	9
* ITEM-52: Exempting a Retirement Division Manager Position from the Classified Service	11
* ITEM-53: Exempting a Council Representative I Position from the Classified Service	12

Minutes of February 18, 2003
Table of Contents (Continued)

Page 2

* ITEM-100: First Amendment to the Agreement with Camp Dresser and McKee Inc. for Water Resources Consulting Services	13
* ITEM-101: Consultant Services for Development of the Water Department Strategic Business Plan	15
* ITEM-102: Building Restricted Easement Vacation over Lots A, B and C of Mission City Phase III Map-14359 and Drainage Easement Vacation Within a Portion of Lot 4 of Mission City Phase III Map-14359	17
ITEM-103: <u>Four</u> actions related to Parking Meter Districts	18
* ITEM-104: Traffic Improvements at High Accident Locations	23
* ITEM-105: Fund Transfers for Various Median Projects	24
* ITEM-106: Memorandum of Understanding with the San Diego Port District for Construction of Water Group Job 525D	27
* ITEM-107: Reappointments to the Relocation Appeals Board	29
ITEM-200: Multiple Species Conservation Program - Property Acquisitions	30
ITEM-250: Settlement of the Property Damage Claim of Moeun Lon Unn, et al.	31
ITEM-251: Notice of Completion and Acceptance of Subdivision Improvement Agreement	32
ITEM-330: Mission Valley Heights-Lot 3	32
ITEM-331: Torrey Hills Center	36
ITEM-S500: Mr. Jimmie Sober Day	39
NON-DOCKET ITEMS	40
ADJOURNMENT	40

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 10:07 a.m. The meeting was recessed by Mayor Murphy at 10:51 a.m. for the purpose of a break. The meeting was reconvened by Mayor Murphy at 10:56 a.m. with all Council Members present. Mayor Murphy adjourned the meeting at 11:17 a.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present
- Clerk-Lane (er)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Lane called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-not present
- (8) Council Member Inzunza-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Assistant City Clerk Joyce Lane.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by City Attorney Casey Gwinn.

FILE LOCATION: MINUTES

ITEM-30: Attorney of the Year 2002 Award.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-948) ADOPTED AS RESOLUTION R-297641

Recognition and presentation of Attorney of the Year 2002 award.

SUPPORTING INFORMATION:

The attorneys in the San Diego City Attorney's Office Civil Division protect the quality of life and the public fisc of the people of San Diego by defending and prosecuting civil lawsuits, and advising and counseling the City. They provide legal services to the City with professionalism and excellence, focusing on:

1. Just, effective, and ethical lawyering;
2. Early intervention and proactive problem solving; and,
3. Promoting public awareness of legal issues affecting the people of San Diego.

The attorneys meet these goals with a dedicated staff in a challenging, congenial, cohesive, and professional working environment where everyone is treated with dignity and respect.

PURPOSE

The Attorney of the Year Award acknowledges and rewards the Civil Division Deputy City Attorney whose professional accomplishments, abilities, and contributions to the community best demonstrated and fulfilled the goals of the San Diego City Attorney's Office during the last year.

ELIGIBILITY

- Deputy in the Civil Division (including Head Deputies and Senior Deputies)
- Full-time or part-time
- Employed as a deputy for all of the 2002 calendar year

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:08 a.m. - 10:18 a.m.)

MOTION BY PETERS TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zuchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Al Strohlein expressed his concern with the number of liquor licenses in District 2. Mr. Strohlein informed the Council that a gas station in Pacific Beach had recently applied for a liquor license. He asked Council to request a denial of that liquor license.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:26 a.m. - 10:29 a.m.)

PUBLIC COMMENT-2:

Noel Nudeck expressed his concern with the City Manager's allowance of commercial business public transit electric-powered vehicles to operate within the City because they are not accessible to citizen's with disabilities.

The City Manager responded that he will have a written reply to Mr. Nudeck's concerns before the matter is presented at Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:29 a.m. - 10:32 a.m.)

PUBLIC COMMENT-3: **REFERRED TO THE CITY MANAGER.**

Thomas Du presented his concerns regarding the City Heights Planning Committee elections.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:32 a.m. - 10:36 a.m.)

PUBLIC COMMENT-4: REFERRED TO THE CITY MANAGER.

Jose Lopez requested that the by-laws of the City Heights Planning Committee be reviewed by the City Manager.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:36 a.m. - 10:38 a.m.)

PUBLIC COMMENT-5:

Michael Aguirre requested that a task force for the City employees' pension be formed. Mr. Aguirre urged Council to hire outside counsel to advise the City regarding the Charger's matter.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:38 a.m. - 10:41 a.m.)

PUBLIC COMMENT-6:

Jarvis Ross commented on water and sewer lines, underground utility lines, and tree planting.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:41 a.m. - 10:45 a.m.)

PUBLIC COMMENT-7:

Anne Hoiberg urged Council to adopt a resolution opposing the war in Iraq.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:45 a.m. - 10:48 a.m.)

PUBLIC COMMENT-8:

Ron Boshun expressed his concerns regarding the ballpark and the Mission Bay trust.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:48 a.m. - 10:51 a.m.)

COUNCIL COMMENT:

None.

CITY ATTORNEY COMMENT:

None.

CITY MANAGER COMMENT:

None.

* ITEM-50: Amendment to Pacific Highlands Ranch (Subarea III) Community Park Site Purchase Agreement.

(Pacific Highlands Ranch - Subarea III. District-1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 2/3/2003. (Council voted 7-1. Councilmember Maienschein voted nay. Councilmember Peters not present.):

(O-2003-75) ADOPTED AS ORDINANCE O-19150 (New Series)

Authorizing the City Manager to execute a First Amendment to Pacific Highlands Ranch - Subarea III NCFUA Community Park Site Purchase Agreement with Pardee Homes, contingent upon evidence, satisfactory to the City Manager and City Attorney, that the District has purchased the Alternative Park Site and transferred fee title of same to Pardee Homes;

Declaring that in the event the City Manager and the City Attorney do not receive satisfactory evidence that the District has purchase the Alternative Park Site and transferred fee title of same to Pardee Homes within 180 days of the effective date of this ordinance, this ordinance shall become void.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:24 a.m. - 10:25 a.m.)

CONSENT MOTION BY INZUNZA TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-51: Joint Use Cooperative Agreement Between the City of San Diego and the San Diego Unified School District.

(District-2.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2003-961) INTRODUCED, TO BE ADOPTED ON MONDAY,
MARCH 3, 2003

Introduction of an Ordinance authorizing the City Manager, or his designee, to execute a Joint Use Cooperative Agreement for joint use of the future Main Library with the San Diego Unified School District of San Diego County, California, in support of the City's application for a California Reading and

Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000 (Proposition 14) Grant.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

CITY MANAGER SUPPORTING INFORMATION:

Staff will be re-submitting the application for a Proposition 14 State Bond grant application for the Main Library in the second round of applications due March 28, 2003. This project will move forward as “first priority” project if a joint use agreement is in place.

As specified in the Education Code, Section 19994(a)(1), “first priority for new public libraries shall be given to joint use projects in which the agency that operates the library and one or more school district(s) have a cooperative agreement. [See Sections 20440(d)(1) and Appendix 2 for information about Cooperative Agreements]”.

The School Agreement for the Main Library must be attached to the grant application. In this agreement, the Library and School District will work collaboratively and cooperatively on aligning the curriculum with the library’s collection, providing an independent learning/homework center environment, youth empowerment projects through volunteer and internships opportunities, shared technology in evaluating electronic resources and a “technoculture” project to explore ways joint programming for students can be developed through electronic means.

The San Diego Unified School District will be contributing \$150,000 to the Library in support of electronic resources for the “Shared Technology” and “Technoculture” projects. San Diego High School and Sherman Elementary School will be schools that will partner with the Library to evaluate and refine the projects set forth in the agreement.

The City Attorney states that because the City will be obligated to an agreement longer than 5 years, this item should be approved by ordinance pursuant to Charter Section 99. The Ordinance would authorize the City Manager (or his designee) to enter into a Joint Use Cooperative Agreement with the San Diego Unified School District should any grant be awarded. The agreement would be null and void if there is no grant award. The City has a current joint use agreement in place with the San Diego Unified School District for the Logan Heights Branch Library, which has received a Proposition 14 grant award.

Staff, therefore, recommends that this Ordinance be approved and the Manager direct the Library Director as his designee to enter into Joint Use Cooperative Agreement with the San Diego Unified School District.

FISCAL IMPACT:

There may be some minimal costs associated with replacing textbooks that may become lost.

Herring/Tatar/ES

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:24 a.m. - 10:25 a.m.)

CONSENT MOTION BY INZUNZA TO INTRODUCE. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-52: Exempting a Retirement Division Manager Position from the Classified Service.

RETIREMENT OFFICE'S RECOMMENDATION:

Introduce the following ordinance:

(O-2003-110) INTRODUCED, TO BE ADOPTED ON MONDAY,
MARCH 3, 2003

Introduction of an Ordinance exempting the position of a Retirement Division Manager from the Classified Service in the San Diego City Employees' Retirement System (SDCERS) and declaring it to be in the Unclassified Service of the City of San Diego.

SUPPORTING INFORMATION:

On December 5, 2002, the Civil Service Commission reviewed a request from the Retirement Administration to exempt a Division Manager Position from the Classified Service. This position will (1) develop and implement the San Diego City Employees' Retirement System's long-range strategic plan and business plan, (2) develop and implement a new benefits records-keeping system, and (3) make operational and financial policy recommendations to the Retirement Board. The position will also manage the software vendor and hardware requirements for the entire Retirement System and its membership, which requires interfacing

with other City and Contracting Employer operations and departments, including the Auditor, the Unified Port District, and the Airport Authority. The Division Manager must have a thorough knowledge of other agencies retirement policies to direct the accurate calculation and payment of a reciprocal retirement benefit based on an individual's service at another agency. This position oversees all budgetary, finance, and technology issues for SDCERS. In the past two years, the scope of this position has increased dramatically as a result of the growth in members served and benefit enhancements.

The following positions report to the Division Manager: 2 Retirement Financial Specialists II, an Accountant II, an Information Systems Analyst II, and a Clerical Assistant II. This group, under the Division Manager's direction, prepares the SDCERS annual budget and financial reports, maintains all SDCERS's membership data, interacts with the Audit and Risk Management Departments to process payrolls, contributions and distributions, and handles all SDCERS's technology needs (both hardware and software). Charter Section 117 states that the Unclassified Service includes "managerial employees having significant responsibilities for formulating and administering department policies and programs. Each position shall be exempt from the Classified Service by ordinance, upon the initiation of the appropriate appointing authority and after receiving the advisory review and comment of the Civil Service Commission and approval of the City Council." Upon review of the duties and responsibilities of this position, the Commission found that the Division Manager position meets the intent of Charter Section 117 and, therefore, the request is being forwarded to the City Council with a recommendation for approval. This is an existing budgeted position within SDCERS; this action does not create an additional staff position.

Barnett/LC

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:24 a.m. - 10:25 a.m.)

CONSENT MOTION BY INZUNZA TO INTRODUCE. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-53: Exempting a Council Representative I Position from the Classified Service.

DEPUTY MAYOR INZUNZA'S RECOMMENDATION:

Introduce the following ordinance:

(O-2003-112) INTRODUCED, TO BE ADOPTED ON MONDAY,
MARCH 3, 2003

Introduction of an Ordinance exempting the position of Council Representative I in the Council Administration from the Classified Service and declaring to be in the Unclassified Service of the City of San Diego.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:24 a.m. - 10:25 a.m.)

CONSENT MOTION BY INZUNZA TO INTRODUCE. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-100: First Amendment to the Agreement with Camp Dresser and McKee Inc. for Water Resources Consulting Services.

(See memorandum from Larry Gardner dated 1/8/2003.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-849) ADOPTED AS RESOLUTION R-297642

Authorizing the City Manager to execute a First Amendment to the Water Resources Consulting Services Agreement with Camp Dresser and McKee Inc., for an amount not to exceed \$419,952;

Authorizing the expenditure of an amount not to exceed \$419,952 from Water Department Fund 41500, for the purpose of funding this amendment;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 1/15/2003, NR&C voted 5 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, Madaffer, and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

Since the adoption of the Strategic Plan for Water Supply in 1997, the City has sought to prepare for the future by investigating water supply options and developing a long-term strategy to meet San Diego's water needs for the next 30 years. One positive step in this direction was City Council approval, on December 9, 2002, of the City of San Diego Long-Range Water Resources Plan (2002-2030). The Long-Range Water Resources Plan (Water Resources Plan) is a flexible and adaptive approach that provides the City with several water resource portfolios to pursue, thereby diversifying its water supply options.

The Water Resources Plan was the result of a two-year effort undertaken by the Water Department with members of its Citizens Advisory Board (CAB) and its consultant Camp Dresser & McKee (CDM). The objective of the Water Resources Plan was to define a flexible strategy for the next 30 years and develop evaluation tools for continued water resources planning. The recommended approach for the Water Resource Plan is to implement it in three phases. The initial phase consists of developing and implementing, by 2010, a water resources strategy that includes water conservation, reclamation, groundwater storage and treatment, and water transfers. The next step is to move from a big picture planning mode to preparing an implementation plan consisting of the resource elements listed above. This work will benefit the City in providing a plan for establishing water resource options to help maintain the reliability of the City's water supply.

In order to accomplish this effort, the Water Department is requesting that the City Council approve an amendment to the existing CDM contract. This work will expand and extend the work already done by CDM under the original scope of the agreement. The amendment shall include the development of the water resource strategy which will involve the following: preparing an implementation plan for the 2010 water resource mix to include project costs, schedule and feasibility studies; updating the planning model created for the Water Resource Plan for seasonal analysis, incorporating the most current demand and supply data into the model; and, updating the Capital Improvements Program to include projects to develop water supply as identified in the Water Resources Plan. Taking these steps will enhance and increase the reliability of the City's water supply.

The schedule for this work anticipates a start in February 2003 with completion in October 2004. This First Amendment is for \$419,952 for a not to exceed total of \$980,667.

Mendes/Gardner/GJA

Aud. Cert. 2300824.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:24 a.m. - 10:25 a.m.)

CONSENT MOTION BY INZUNZA TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-101: Consultant Services for Development of the Water Department Strategic Business Plan.

(See memorandum from Larry Gardner dated 1/8/2003.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-854) ADOPTED AS RESOLUTION R-297643

Authorizing the City Manager to execute an agreement with EMA, Inc., to provide professional services for the development of the Water Department Strategic Business Plan;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$349,631 from the Water Department Administration Division, Water Enterprise Fund 41500, for the agreement;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 1/15/2003, NR&C voted 5 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, Madaffer and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

The City Council adopted a motion to conduct a management review of the Water Department during Fiscal Year 2002 budget process. As a result, the City Manager's office hired Black and Veatch, an independent consulting firm, to perform the review completed in October 2001. The Management Review Study (Management Review) reported that though the Department had many good initiatives, it lacked a coherent vision and a comprehensive plan of action to attain future goals. To improve the management and operation of the Department, the Management Review recommended the development of the Water Department Strategic Business Plan.

The Department, in order to achieve greater efficiency, began the development of a formalized Strategic Business Plan (Business Plan) to clearly set forth the Department's vision, goals and objectives, and an action plan for their achievement. The Business Plan will include a strategic framework to facilitate systematic, consistent, and connected planning efforts, and provide functional and useful metrics to measure and monitor the accomplishment of goals and objectives.

The Water Department requires professional services to develop and implement the Business Plan. Expert management consultants are needed to review and analyze water industry trends, legislation, and public sentiment. and perform a "Gap" analysis that models optimal water utilities and industry best practices. These will allow the Department to better identify: industry opportunities and threats, organizational and operational strengths and weaknesses, and appropriate resource levels. Assistance is also required to conduct stakeholder outreach to ensure input is gathered from all levels internally and externally. Lastly, professional services are required to develop the Business Plan document and implement the strategic planning framework. This ensures that appropriate performance monitoring and measuring systems are developed and established, and the Business Plan is updated in a consistent and systematic manner for the future.

The Department issued a Request For Qualifications on September 20, 2002. Seven firms submitted Statement Of Qualifications and the four highest qualified were interviewed on November 4, 2002. The Department has selected the most qualified firm, EMA, Inc., to provide the required professional services.

This request for Council Action is required to approve the agreement with EMA Inc. to provide the aforementioned services and authorize the expenditure of an amount not to exceed \$349,631.

FISCAL IMPACT:

The total cost of this action is \$349,631. Funding is available in FY2003, from the Water Fund 41500, Org 120 Department Management, Object Account 4222.

Mendes/Gardner/JDJ

Aud. Cert. 2300820.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:24 a.m. - 10:25 a.m.)

CONSENT MOTION BY INZUNZA TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-102: Building Restricted Easement Vacation over Lots A, B and C of Mission City Phase III Map-14359 and Drainage Easement Vacation Within a Portion of Lot 4 of Mission City Phase III Map-14359.

(Serra Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-968) ADOPTED AS RESOLUTION R-297644

Vacating the City's interest in a building restricted easement over Lots A, B and C of Mission City Phase III, Map-14359, and a drainage easement within a portion of Lot 4 of Mission City Phase III, Map-14359, to unencumber the owner's property and facilitate development of the site, under the procedure for the summary vacation of public service easements, Section 8330 et seq of the California Streets and Highways.

CITY MANAGER SUPPORTING INFORMATION:

Council is requested to approve the vacation of an unneeded building restricted easement over Lots A, B and C of Mission City Phase III, Map No. 14359 and an unneeded drainage easement within a portion of Lot 4 of Mission City Phase III, Map No. 14359 as shown on Engineering Drawing No. 19957-B. This site is located northerly of Friars Road between Fenton Parkway and Northside Drive in the Serra Mesa Community Plan area.

The building restricted easement being vacated was granted on the final map of Mission City Phase III, Map No. 14359 at no cost to the City. In connection with a Substantial Conformance approval by the Planning Department, a building restricted easement of approximately equal value is being granted on a parcel map being processed at this time. The existing easement must be vacated in order to record the parcel map. The drainage easement being vacated was granted by separate instrument at no cost to the City and is no longer required for the planned development, and there is no future or anticipated use for the easement in its present location.

Staff recommends approval of the vacations.

FISCAL IMPACT:

None.

Ewell/Broughton/GB

FILE LOCATION: DEED F-9391

COUNCIL ACTION: (Time duration: 10:24 a.m. - 10:25 a.m.)

CONSENT MOTION BY INZUNZA TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-103: Four actions related to Parking Meter Districts.

(See City Manager Report CMR-02-247. Uptown, Mid-City and Centre City Community Areas. Districts-2, 3 and 8.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2003-964) ADOPTED AS RESOLUTION R-297645

Authorizing the City Manager to negotiate and execute agreements with private non-profit organizations for the expenditure of Parking Meter District 2 (Uptown) and Parking Meter District 3 (Mid-City) funds;

Authorizing the transfer of Parking Meter revenues from Citywide Department No. 601 to Parking Meter District Funds as follows: \$144,000 to Fund No. 100; \$106,645 to Fund No. 70301; \$1,312,400 to Fund No. 70302; \$531,485 to Fund No. 70303; and \$182,362 to Fund No. 70304;

Authorizing the allocation and expenditures of Parking Meter District No. 1, \$1,312,400; Parking Meter District No. 2, \$531,485; Parking Meter District No. 3, \$182,362; \$144,000 for parking meter retrofits and \$106,645 for administrative costs; plus the expenditure of any carryover amounts not fully expended under prior contracts for Parking Meter Districts No. 2 and 3, and not fully expended for administrative costs.

Subitem-B: (R-2003-965) ADOPTED AS RESOLUTION R-297646

Approving the proposed District 1 five-year parking improving plan, and one-year implementation plan;

Authorizing the City Manager to negotiate and execute an agreement with the Centre City Development Corporation, for the expenditure of Parking Meter District 1 funds, consistent with the provisions of Council Policy 100-18;

Approving the expenditure of an amount not to exceed \$1,312,400 from Fund No. 70302, to implement the activities described in the Parking Meter District 1 one-year implementation plan;

Declaring that the Council shall review the status of the Parking Meter District 1 plans on an annual basis to determine the progress in implementing the plans and to determine what monies have been allocated and which have been spent;

Authorizing the expenditure of an amount not to exceed \$106,645 from Fund No. 70301, to reimburse the General Fund's annual cost to administer the Parking Meter District Program;

Directing the City Manager to administer the Parking Meter District Program with strict financial oversight, and to include a contractual requirement for each District to comply with the Brown Act and the Public Records Act;

Approving the extension of the allocation of 45 percent of Parking meter Revenues to Parking Meter District Fund No. 70302, subject to the City Council's annual appropriation, for a period of twenty-five years beyond the now approved Fiscal Year 2003, with future allocations to each Parking Meter District determined by the parking revenues derived in each District, to ensure the long term implementation of plans to address parking and parking-related improvements in those areas.

Subitem-C: (R-2003-966) ADOPTED AS RESOLUTION R-297647

Approving the proposed District 2 five-year parking improving plan, and one-year implementation plan;

Authorizing the City Manager to negotiate and execute an agreement with the Uptown Partnership, Inc., for the expenditure of Parking Meter District 2 funds, consistent with the provisions of Council Policy 100-18;

Approving the expenditure of an amount not to exceed \$1,846,327 from Fund No. 70303, to implement the activities described in the Parking Meter District 2 one-year implementation plan;

Declaring that the Council shall review the status of the Parking Meter District 2 plans on an annual basis to determine the progress in implementing the plans and to determine what monies have been allocated and which have been spent;

Authorizing the expenditure of an amount not to exceed \$106,645 from Fund No. 70301 to reimburse the General Fund's annual cost to administer the Parking Meter District Program;

Directing the City Manager to administer the Parking Meter District Program with strict financial oversight, and to include a contractual requirement for each District to comply with the Brown Act and the Public Records Act;

Approving the extension of the allocation of 45 percent of Parking Meter Revenues to Parking Meter District Fund No. 70303, subject to the City Council's annual appropriation, for a period of twenty-five years beyond the now approved Fiscal Year 2002, with future allocations to each Parking Meter District determined by the parking revenues derived in each District, to ensure the long term implementation of plans to address parking and parking-related improvements in those areas.

Subitem-D: (R-2003-967) ADOPTED AS RESOLUTION R-297648

Approving the proposed District 3 five-year parking improvement plan and one-year implementation plan;

Authorizing the City Manager to negotiate and execute an agreement with designated nonprofit corporations operating through the Mid-City Parking Meter Advisory Board for the expenditure of Parking Meter District 3 funds, consistent with the provisions of Council Policy 100-18;

Approving the expenditure of an amount not to exceed \$808,937 from Fund No. 70304 to implement the activities described in the Parking Meter District 3 one-year implementation plan;

Declaring that the Council shall review the status of the Parking Meter District 3 plans on an annual basis to determine the progress in implementing the plans and to determine what monies have been allocated and which have been spent;

Authorizing the expenditure of an amount not to exceed \$106,645 from Fund No. 70301 to reimburse the General Fund's annual cost to administer the Parking Meter District Program;

Directing the City Manager to administer the Parking Meter District Program with strict financial oversight, and to include a contractual requirement for each District to comply with the Brown Act and the Public Records Act;

Approving the extension of the allocation of 45 percent of Parking Meter Revenues to Parking Meter District Fund No. 70304, subject to the City Council's annual appropriations, for a period of twenty-five years beyond the now approved Fiscal Year 2003, with future allocations to each Parking meter District

determined by the parking revenues derived in each District, to ensure the long term implementation of plans to address parking and parking-related improvements in those areas.

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:**

On 10/30/2002, PS&NS voted 5 to 0 (Councilmembers Atkins, Stevens, Maienschein, Frye and Inzunza voted yea) to the following:

- a) Accept the report with the deletion of bullet #5 in the Centre City Development Corporation (CCDC) project list; and b) direct the City Manager to work with CCDC and the Little Italy Association and return with an updated projects list when the Parking Meter District Program is next scheduled at the Public Safety and Neighborhood Services Committee.

CITY MANAGER SUPPORTING INFORMATION:

On Wednesday, October 30, 2002, the Public Safety and Neighborhood Services Committee conducted a review of the Parking Meter District Program. City Manager Report 02-247 was presented for review at that time. The PS&NS Committee accepted the Manager's Report provided the following phrase would be removed from the report: "Phase Two of the India Street Improvement Project to replace the curbs, gutters and sidewalks on India Street from Grape to Laurel Streets. The project includes new street trees, landscaping, and streetlights." (Bullet point #5 on Page 3)

Recently, the PMD Program has become aware that the microchip technology used in the production of Pre-Paid Parking Meter Cards has surpassed the technology available in our existing parking meters. In other words, the existing parking meters are unable to read the microchips used in new Pre-Paid Parking Meter Card Program and has indicated a need to retrofit all parking meters within the City with a new "prom" to enable our meters to read both the existing inventory of Pre-Paid Parking Meter Cards and new cards. The Parking Meter District Program will fund this retrofit to continue to market the Pre-Paid Parking Meter Cards. (Reference City Manager Report 03-005)

Herring/Cunningham/MSB

Aud. Cert. 2300845.

FILE LOCATION:

MEET

COUNCIL ACTION: (Time duration: 11:00 a.m. - 11:01 a.m.)

MOTION BY FRYE TO ADOPT. Second by Atkins. Passed by the following vote:
Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea,
Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-104: Traffic Improvements at High Accident Locations.

(Pacific Beach, Mid-City and Clairemont Mesa Community Areas. Districts 2, 6
and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-924) ADOPTED AS RESOLUTION R-297649

Authorizing the City Auditor and Comptroller to transfer \$123,400 from
CIP-68-011.0, Traffic Signals - Modifications/Modernization, Fund 30306,
Transnet; to CIP-62-001.0, Traffic Improvements at High Accident Locations,
Fund 30306;

Authorizing the City Auditor and Comptroller to appropriate and expend \$123,400
from CIP-62-001.0, Traffic Improvements at High Accident Locations, Transnet
funds, for the modification of traffic signals at high accident locations; provided
that the City Auditor and Comptroller first certifies that the funds are available;

Authorizing the City Auditor and Comptroller, upon advice from the administering
department, to transfer any excess funds to the appropriate reserves;

Authorizing the City Auditor and Comptroller, upon direction of the City
Manager, to reallocate the funding sources between Transnet cash and commercial
paper funded projects as may be appropriate to maximize the use of Transnet cash
and reduce the use of commercial paper funding for CIP-62-001.0, Traffic
Improvements at High Accident Locations, projects.

CITY MANAGER SUPPORTING INFORMATION:

Improvements to the traffic signals at several locations were previously identified and programmed under CIP-62-001.0, Traffic Improvements at High Accident Locations, Job Order 620071. After design was completed it was determined that the funds initially programmed were insufficient for the scope of the improvements required to bring the intersections up to current design standards. Additional funds were identified in CIP-68-011.0, Traffic Signals - Modifications/Modernization. This action is to transfer \$123,400 from CIP-68-011.0 to CIP-62-001.0 to fully fund the improvements.

The locations to be improved are:

University Avenue at Winona Avenue (Council District 7, Mid-City)
Clairemont Mesa Boulevard at Kleefeld Avenue (Council District 6, Clairemont Mesa)
Ingraham Street at Pacific Beach Drive (Council District 2, Pacific Beach)

FISCAL IMPACT:

The estimated total cost of this project is \$183,400.

Loveland/Belock/PB

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:24 a.m. - 10:25 a.m.)

CONSENT MOTION BY INZUNZA TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-105: Fund Transfers for Various Median Projects.

(Navajo/College Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-972) ADOPTED AS RESOLUTION R-297650

Authorizing and directing the City Auditor and Comptroller to amend the Capital Improvement Program [CIP] Budget to increase CIP-52-692.0, Montezuma Road (Fairmount Avenue to College Avenue) Median Improvements, Fund 30245, Capital Outlay Fund, by the amount of \$50,000, in accordance with the Fiscal Year 2003 Appropriation Ordinance;

Authorizing the City Auditor and Comptroller to reprogram funds in an amount not to exceed \$50,000 from Council District 7 Fiscal Year 2002 Community Development Block Grant (CDBG) fund allocation to CIP-35-087.0, Otay Mesa Nestor Branch Library Expansion;

Authorizing the City Auditor and Comptroller to transfer funds in an amount not to exceed \$50,000 from CIP-35-087.0, Otay Mesa/Nestor Branch Library Expansion, Fund 30245, Capital Outlay Fund, to CIP-52-692.0, Montezuma Road (Fairmount Avenue to College Avenue) Median Improvements for the purpose of constructing median improvements on Montezuma Road (Fairmount Avenue to College Avenue).

Authorizing the expenditure of an amount not to exceed \$50,000 from CIP-52-692.0, Montezuma Road (Fairmount Avenue to College Avenue) Median Improvements, Fund 30245, Capital Outlay Fund, for the purpose of constructing median improvements on Montezuma Road (Fairmount to College Avenue);

Authorizing and directing the City Auditor and Comptroller to amend the Capital Improvement Program [CIP] Budget to increase CIP-52-493.00, College Avenue (I-8 to Camino Rico) Median Improvements by the amount of \$185,000, of which \$160,000 is from Fund 30309, TransNet Infrastructure Fund, and \$25,000 is from Fund 79506, Navajo Development Impact Fees, for the purpose of constructing median improvements on College Avenue (I-8 to Camino Rico), in accordance with the Fiscal Year 2003 Appropriation Ordinance;

Authorizing the expenditure of a total amount not to exceed \$185,000 from CIP-52-493.0, College Avenue (I-8 to Camino Rico) Median Improvements, of which \$160,000 is from Fund 30309, TransNet Infrastructure Fund, and \$25,000 is from Fund 79506, Navajo Development Impact Fees, for the purpose of constructing median improvements on College Avenue (I-8 to Camino Rico);

Authorizing the City Manager, or his designated representative, to accept \$25,000 into Fund 63022, Private and Other Contributions, CIP-52-493.0, College Avenue

(I-8 to Camino Rico) Median Improvements, from Chevron Stations (Del Cerro Boulevard and College Avenue) to replace funds expended from Fund 79506, Navajo Development Impact Fees, for CIP-52-493.0, College Avenue (I-8 to Camino Rico) Median Improvements;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to return excess funds from Fund 30245, Capital Outlay Fund, not to exceed \$50,000, from CIP-52-692.0, Montezuma Road (Fairmount Avenue to College Avenue) Median Improvements, to CIP-39-234.0, El Cajon Boulevard Median Improvements;

Authorizing the City Auditor and Comptroller upon advice from administering departments to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The Montezuma Road (Fairmount Avenue to College Avenue) Median Improvements project is currently in the beginning of construction state. The Construction started on October 8, 2002. The project consists of the replacement of AC (Asphalt Concrete) medians with decorative concrete, landscaped, and irrigated medians. The additional funds are required to pay for unforeseen construction work items such as additional pavement removal under the existing road way.

The College Avenue (Interstate 8 to Camino Rico) Median Improvements project is currently in the final stage of design. The project includes replacement of AC medians with stamped concrete medians and other community related improvements. The additional funds are required to pay for increased scope of work: replacement of AC Medians with stamped concrete medians on Del Cerro Boulevard between College Avenue and Madra Avenue.

FISCAL IMPACT:

The total estimated cost for Montezuma Road (Fairmount Avenue to College Avenue) Median Improvements project is now \$880,000. The additional funding in the amount of \$50,000 is available from Council District 7 FY 2003 Community Development Block Grant (CDBG) which is compatible with the existing Otay Mesa /Nestor Library Expansion Funding.

The total estimated cost for College Avenue (I-8 to Camino Rico) Median Improvements project is now \$478,700. The additional funding in the amount of \$185,000 is available: \$160,000 from TransNet Infrastructure Fund 30309, and \$25,000 from Fund 79506 Navajo Development Impact Fees.

Loveland/Belock/PB

Aud. Cert. 2300859.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:24 a.m. - 10:25 a.m.)

CONSENT MOTION BY INZUNZA TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-106: Memorandum of Understanding with the San Diego Port District for Construction of Water Group Job 525D.

(See memorandum from Frank Belock, Jr. dated 1/8/2003. Barrio Logan Community Area. District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-936) ADOPTED AS RESOLUTION R-297651

Authorizing the City Manager to execute a phase funded Memorandum of Understanding (MOU) with the San Diego Unified Port District, for the construction of Water Main Replacement Group Job 525D on Harbor Drive, for an amount not to exceed \$902,000;

Authorizing the expenditure of an amount not to exceed \$1,261,809 from Water Fund No. 41500, CIP-73-083.0, Annual Allocation - Water Main Replacements, for the MOU and related in-house engineering and design costs, contingent upon passage of the FY04 Capital Improvement and Appropriations Ordinance Budgets, and provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department to transfer excess budgeted funds, if any, to the appropriate reserves.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 1/15/2003, NR&C voted 5 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, Madaffer and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

Water Main Replacement Group 525D is part of the City of San Diego's continuing Annual Water Main Replacement Program. This project consists of installing 5,352 LF of 10 to 16-inch water mains within the Barrio Logan community. The project will replace the existing water mains which were constructed in 1942 and have reached the end of their service life. This project was scheduled for construction in FY05.

The San Diego Port District (Port District) will be performing environmental mitigation and construction of a parking structure at the southwest corner of Harbor Drive and 8th Avenue in early 2003. The Port District has requested the City to accelerate the replacement of 1,500 linear feet of 16-inch cast iron main proposed in Water Group Job 525D on Harbor Drive. The integrity of the existing 16-inch main could be impacted by this adjacent improvement project which could lead to a pipeline failure that might cause a number of customers to be out of water and possible property damage.

City staff determined that this is the most economical and efficient method, and it benefits the City to have the Port District replace this portion of the water main, in conformance with the plans and specification provided by the City. The City will reimburse the Port District for its share of costs associated with the construction and administration of this project (which is 10% of the construction costs) through a Memorandum of Understanding Agreement. The construction cost is estimated to be approximately \$902,000 and funds are available in Fund 41500, CIP-73-083.0.

FISCAL IMPACT:

Total cost of this project is \$1,276,809, of which \$15,000 has been previously authorized. Funding of \$1,261,809 is available from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement. Funding will be available in FY04.

Loveland/Belock/HR

WWF-03-645.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:24 a.m. - 10:25 a.m.)

CONSENT MOTION BY INZUNZA TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-107: Reappointments to the Relocation Appeals Board.

(See memorandum from Mayor Murphy dated 2/7/2003 with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-987) ADOPTED AS RESOLUTION R-297652

Council confirmation of the following reappointments by the Mayor to serve as members of the Relocation Appeals Board, with terms expiring as indicated:

<u>Name</u>	<u>Term Ending</u>
Eva Sanchez Pesqueira	October 1, 2004
Charles R. Dyer	October 1, 2004

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:24 a.m. - 10:25 a.m.)

CONSENT MOTION BY INZUNZA TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-200: Multiple Species Conservation Program - Property Acquisitions.

(Del Mar Mesa and East Elliot Community Areas. Districts-1 and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-963) ADOPTED AS RESOLUTION R-297653

Authorizing and approving the following actions by the Council of the City of San Diego:

1. An increase of \$1,630,000 to the Fiscal Year 2003 Capital Improvements Project in CIP-37-443.0, Multiple Species Conservation Program Property Acquisitions;
2. The appropriation of \$1,630,000 from the Habitat Acquisition Fund (Fund 10571), to CIP-37-443.0, Multiple Species Conservation Program Property Acquisitions;
3. The expenditure of an amount not to exceed \$1,630,000 from CIP-37-443.0, Multiple Species Conservation Program Property Acquisitions, for the acquisition of upland habitat open space parcels in the Del Mar Mesa Specific Plan region and the East Elliot area of the City of San Diego.

CITY MANAGER SUPPORTING INFORMATION:

The City seeks to acquire three parcels in the Del Mar Mesa area, and one in the East Elliot region, as part of the continued implementation of the Multiple Species Conservation Program. The subject parcels, totaling approximately 23 acres, were identified by MSCP staff as biologically-critical properties to be sought, based on their location, habitat content, and appraised value. Acquisition of these properties is deemed essential for the continued conservation of San Diego's unique bio-diversity.

This action authorizes the expenditure of an amount not to exceed \$1,630,000 from the Habitat Acquisition Fund. The Habitat Acquisition Fund was authorized and approved by Resolution R-275129, adopted February 12, 1990.

FISCAL IMPACT:

Funds totaling \$1,630,000 are available in Fund 10571, (Habitat Acquisition Fund).

Herring/Griffith/SLG

Aud. Cert. 2300848.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:57 a.m. - 11:00 a.m.)

MOTION BY INZUNZA TO ADOPT WITH DIRECTION TO THE CITY MANAGER TO PROVIDE A FIVE-YEAR BREAK DOWN OF THE HABITAT ACQUISITION FUND TO ALL COUNCIL MEMBERS. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-250: Settlement of the Property Damage Claim of Moeun Lon Unn, et al.

(R-2003-862)

Adopted as Resolution R-297556.

A Resolution approved by the City Council in Closed Session on Tuesday, January 14, 2003, by the following vote: Peters-yea; Zucchet-yea; Atkins-yea; Lewis-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$88,850.03 in the settlement of each and every claim against the City, its agents and employees, resulting from the property damage claim of Moeun Lon Unn, et al. on February 24, 2002 (Claim File No. LP02-0705-2364).

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$88,850.03 made payable to Luth and Turley, Inc., in full settlement of all claims.

Aud. Cert. 2300717.

NOTE: This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

ITEM-251: Notice of Completion and Acceptance of Subdivision Improvement Agreement.

Notice is hereby given that the City Manager of the City of San Diego intends to file a "Notice of Completion and Acceptance of Subdivision Improvement Agreement" indicating that the improvements included in the Subdivision Improvement Agreement have been satisfactorily completed for the following subdivisions:

SUBDIVISION

Torrey Hills Unit 8A

COMMUNITY AREA

Sorrento Hills Community

The certification shall be recorded 15 days after the date this notice appears on the Council Docket or shortly thereafter. If any person wishes to object to the filing of this notice, such person should communicate the objection on or before that date to the Director or Planning and Development Review or to the Subdivision Engineer, City Operations Building, 1222 First Avenue (MS 507), San Diego, CA 92101.

ITEM-330: Mission Valley Heights-Lot 3.

Matter of approving, conditionally approving, modifying or denying an application to/for: 1. Amend the Mission Valley Heights Specific Plan, the Mission Valley Community Plan and the City of San Diego Progress Guide and General Plan (to accommodate a change in the planned land use pertaining to Lot 3 from 8,800 sq. ft. of restaurant use, to 26,000 square-foot of commercial office use, and to shift development intensity from other lots within the Mission Valley Heights Specific Plan Area to Lot 3, and to reduce the permitted commercial office development on Lot 1 from 295,000 square-feet to 286,000 square-feet); and also to/for 2. Amend Planned Commercial Development Permit No. 84-0128 and approve a Planned Development Permit (to allow development of a two-story, approximately 26,000 square-foot office building on Lot 3 in lieu of an 8,800 square-foot restaurant). The developed 2.22-acre legal lot is addressed as 7675 Mission Valley Road and is legally described as to Lot 3, Mission Valley Heights, Map No. 11034, within the MV-M/SP (Mission Valley-Multiple Use/Specific Plan) Zone of the Mission Valley Planned District.

(Amendment(s) to: the Mission Valley Heights Specific Plan; the Mission Valley Community Plan and the City of San Diego Progress Guide and General Plan; Amendment to Planned Commercial Development Permit No. 84-0128/ Planned Development Permit/Project Tracking System No 2052. Mission Valley Community Plan area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in Subitems A and B; and adopt the resolution in Subitem C to grant the permit:

Subitem-A: (R-2003-940) ADOPTED AS RESOLUTION R-297654

Adoption of a Resolution certifying that the information contained in the Mitigated Negative Declaration LDR-41-1000, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of a Planned Development Permit, Amendment to Planned Commercial Development Permit No. 84-0128 and an Amendment to the Mission Valley Heights Specific Plan for the Mission Valley Heights Project;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the office of the City Clerk and incorporated by reference, is approved;

That pursuant to California Public Resources Code Section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2003-941) ADOPTED AS RESOLUTION R-297655

Adoption of a Resolution amending the Mission Valley Heights Specific Plan and the Mission Valley Community Plan, a copy of which is on file in the Office of the City Clerk;

That the Council adopts an amendment to the Progress Guide and General Plan for the City of San Diego to incorporate the above amended plan.

Subitem-C: (R-2003-) GRANTED PERMIT, ADOPTED AS RESOLUTION
R-297656

Adoption of a Resolution granting or denying Planned Development Permit No. 8902, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on November 21, 2002, voted 5-0 to approve; no opposition.

Ayes: Garcia, Brown, Steele, Chase, Lettieri

Recusing: Schultz

Not present: Anderson

The Mission Valley Unified Planning Organization, on January 9, 2002, voted 16-1-5 to recommend approval of this project.

SUPPORTING INFORMATION:

The Mission Valley Heights project proposes: An Amendment to the Mission Valley Heights Specific Plan (MVHSP), the Mission Valley Community Plan; and the City of San Diego's Progress Guide and General Plan to accommodate a change in the planned land use on Lot 3 from restaurant to office use and to shift development intensity from Lot 24 to Lot 3; and a Planned Development Permit (PDP) (amending Planned Commercial Development Permit No. 84-0128) to allow development of 26,000 square-feet of commercial office use on Lot 3 in lieu of 8,800 square-feet of restaurant use.

In 1987, the City Council approved the MVHSP which is the current planning document for this 107-acre subdivision. The MVHSP Area consists of 27 parcels designated for/developed with light industrial, office and commercial uses. The Mission Valley Community Plan designates the

MVHSP as the implementing tool for development within the Plan area, located east of Highway 163, west of Mission Center Road, and north of Friars Road. The MVHSP specifies development regulations pertaining to site development of specific parcels including land use designation, parking, setback requirements, floor area ratio, building area/coverage maximums and landscape area minimums.

The Project consists of a two-story, 26,000 square-foot office building site on a southeasterly portion of the 2.2-acre parcel (Lot 3). Existing easements occupy significant portions of the site and restrict building locations to the southeasterly corner. Vehicular access is proposed via shared access agreements across adjacent parcels to the west and south. Staff has reviewed this project and determined that it complies with applicable requirements of the MVHSP.

TRAFFIC IMPACT:

This project proposes a change in the planned land use on Lot 3 from 8,800 square feet of restaurant use to 26,000 square-feet of commercial use. The proposed 10,500 square-foot shift in development intensity from Lot 24 to Lot 3 results in a net increase of zero (0) average daily trips. Therefore, a Trip Allocation Table has not been provided.

FISCAL IMPACT:

All costs associated with the processing of this application are recovered from an individual deposit account maintained by the Applicant.

Ewell/Christiansen/WCT

LEGAL DESCRIPTION:

The 2.22-acre graded site is currently undeveloped and is located at the southwest corner of the intersection of Mission Center Road and Mission Valley Road, in the Mission Valley Community Plan and is more particularly described as Lot 3 of Mission Valley Heights, Map No. 11034.

FILE LOCATION: LUP - Mission Valley Heights 2/16/03 (65)

COUNCIL ACTION: (Time duration: 11:01 a.m. - 11:03 a.m.)

MOTION BY FRYE TO ADOPT THE RESOLUTION IN SUBITEMS A AND B; AND ADOPT THE RESOLUTION IN SUBITEM C TO GRANT THE PERMIT WITH THE DIRECTION THAT THE DEVELOPER SHALL PROVIDE SIDEWALKS PER CITY

OF SAN DIEGO STANDARDS, STATE OF CALIFORNIA TITLE 24
ACCESSIBILITY REGULATIONS, AND ALL OTHER APPLICABLE
REGULATIONS AS APPROVED BY THE CITY OF SAN DIEGO ENGINEER.

Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea,
Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-331: Torrey Hills Center.

Matter of approving, conditionally approving, modifying or denying a rezone of
the property from CC-1-3 to the proposed CN-1-2 and a planned development
permit to allow the development of a retail/office center including a supermarket,
family medical office center and other retail buildings on a vacant commercial site.
The property is located at the southeast corner of Carmel Mountain Road and East
Ocean Air Drive in the CC-1-3 zone in the Sorrento Hills Community Plan Area.

(See City Manager's Report CMR No. 03-020. Rezone/Planned Development
Permit No. 2118, PTS No. 1119/MND LDR No. 41-0648. Sorrento Hills
Community Plan Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Introduce the ordinance in Subitem A; adopt the resolution in Subitem B; and adopt the
resolution in Subitem C to grant the permit:

Subitem-A: (O-2003-104) INTRODUCED, TO BE ADOPTED ON MONDAY,
MARCH 3, 2003

Introduction of an Ordinance changing 17.1 acres located at the southeast corner
of Carmel Mountain Road and East Ocean Air Drive, within the Sorrento Hills
Community Plan Area, in the City of San Diego, California, from the CC-1-3 Zone
(Previously referred to as the CA Zone) into the CN-1-2 and OP-2-1 Zones
(Previously referred to as the CN and OS-R Zones), as defined by San Diego
Municipal Code Section 131.0502 and 131.0202; and repealing Ordinance O-
18393 (New Series), adopted March 31, 1997, of the ordinances of the City of San
Diego insofar as the same conflicts herewith.

Subitem-B: (R-2003-898) ADOPTED AS RESOLUTION R-297657

Adoption of a Resolution certifying that the information contained in the Mitigated Negative Declaration LDR-41-0648, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of a rezone and planned development permit for the Torrey Hills Center project;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the office of the City Clerk and incorporated by reference, is approved;

That pursuant to California Public Resources Code Section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-C: (R-2003-) GRANTED PERMIT, ADOPTED WITH
AMENDMENTS AS RESOLUTION R-297658

Adoption of a Resolution granting or denying Planned Development Permit No. 2118, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on November 14, 2002 voted 7-0 to approve; no opposition.

Ayes: Anderson, Lettieri, Brown, Chase, Garcia, Schultz, Steele

The Sorrento Hills Community Planning Board voted on March 19, 2002, unanimously eight to zero to approve the revised project with conditions.

CITY MANAGER SUPPORTING INFORMATION:

The proposed project site is located within the Sorrento Hills Community Plan in the Torrey Hills Unit 13 Planning Area and is designated for Neighborhood Commercial development by the CC-1-3 zone. The project site is bounded by Carmel Mountain Road to the north, East Ocean Air Drive to the West, a 150-foot SDG&E easement to the south, and vacant undeveloped land to the east. The surrounding land uses include residential uses to the north and south, a commercial use is approved and not yet developed to the west, a SDG&E Substation exists to the west, and vacant undeveloped land to the east. The site is not inside or adjacent to the Multi-Habitat Planning Area (MHPA). Carmel Mountain Road, designated as a four lane major road, fronts the site to the north and East Ocean Air Drive, a four-lane collector road at the intersection, bounds the site to the west. The nearest MHPA area is within the Los Penasquitos Canyon Preserve approximately 600 to 1,000 feet to the south. The site has been rough graded and contains little vegetation. There is minor erosion control on small slopes to the west, north and southern project boundaries with some remaining native habitat and ruderal vegetation on the eastern third of the site. The site is relatively flat and rises slightly from the west to the east. Elevations range from approximately 290 feet to 370 feet above the average mean sea level.

The applicants are proposing a zone change to Neighborhood Commercial (CN-1-2) to be consistent with the land use designation in the Sorrento Hills Community Plan.

FISCAL IMPACT:

All costs associated with the processing of this project are recovered by a deposit account maintained by the applicant.

Ewell/Christiansen/JSF

LEGAL DESCRIPTION:

The project site is located at the southeast corner of Carmel Mountain Road and East Ocean Air Drive, in the community of Sorrento Hills and is more particularly described as Parcel 2-6 and 7 or Parcel Map-18123, City and County of San Diego.

FILE LOCATION:

SUBITEM A: NONE

SUBITEMS B & C: LUP - Torrey Hills Center 2/18/03
(65)

COUNCIL ACTION:

(Time duration: 11:03 a.m. - 11:13 a.m.)

MOTION BY PETERS TO INTRODUCE THE ORDINANCE IN SUBITEM A; ADOPT THE RESOLUTION IN SUBITEM B; AND ADOPT THE RESOLUTION IN SUBITEM C TO GRANT THE PERMIT WITH THE FOLLOWING AMENDMENTS: 1) PRIOR TO RECORDING ANY PARCEL MAP ON THIS PROPERTY THE PARCEL MAP SHALL INDICATE PARCEL 7, 8, AND 9 TO BE DEDICATED TO THE CITY OF SAN DIEGO IN FEE. 2) PRIOR TO THE ISSUANCE OF ANY BUILDING PERMIT, PLANS FOR THE IMPROVEMENT OF A PUBLIC DOG PARK, INCLUDING LANDSCAPING, IRRIGATION, FENCING, AND ANY OTHER REASONABLE IMPROVEMENTS FOR THE SAFE AND EFFICIENT OPERATION OF A DOG PARK, SHALL BE SUBMITTED FOR REVIEW AND APPROVAL BY THE PARK AND RECREATION AND DEVELOPMENT SERVICES DEPARTMENTS FOR THE REASONABLY LEVEL AREA WITHIN PARCEL 8. THE DEVELOPMENT OF THE DOG PARK SHALL REQUIRE INSPECTION AND ACCEPTANCE BY THE PARK AND RECREATION AND DEVELOPMENT SERVICES DEPARTMENT. THE OWNER/PERMITTEE OF THE COMMERCIAL CENTER OR SUBSEQUENT OWNER OF THE COMMERCIAL CENTER SHALL IN PERPETUITY PROVIDE ALL NECESSARY MAINTENANCE FOR THE DOG PARK AND ENTER INTO A MAINTENANCE AGREEMENT WITH THE CITY OF SAN DIEGO FOR THAT PURPOSE. 3) THE DOG PARK SHALL BE COMPLETED AT OR BEFORE THE TIME OF OCCUPANCY OF THE VONS BUILDING. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S500: Mr. Jimmie Sober Day.

COUNCILMEMBER LEWIS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-992)

ADOPTED AS RESOLUTION R-297659

Commending Mr. Jimmie Sober for the dedication and services he has provided to numerous citizens in the City of San Diego;

Proclaiming February 18, 2003 to be "Mr. Jimmie Sober Day" in the City of San Diego.

FILE LOCATION:

AGENDA

COUNCIL ACTION: (Time duration: 10:18 a.m. - 10:24 a.m.)

MOTION BY LEWIS TO ADOPT. Second by Mayor Murphy. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 11:17 a.m. in honor of the memory of:

Anthony Remo, as requested by Council Member Maienschein; and
Morton Vogelsson as requested by Council Member Madaffer.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:14 a.m.- 11:17 a.m.)